IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI,

THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20702 of 1995

Between:

SHAIK ANWAR BASHA S/O LATE HUSSAIN MIAH
R/O 3/100C MARKAPUR - 523361,
PRAKASAM DISTRICT

..... PETITIONER

AND

1 THE GOVERNMENT OF AP REP BY PRINCIPAL

SECRETARY GAD, SECRETARIAT BUILDING

HYDERABAD
2 THE DRISTRICT & SESSIONS JUDGE,
ONGOLE PRAKASHAM DISTRICT

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High

Court will be pleased to issue an appropriate writ or order or direction specifically one the nature of mandamus directing the respondents to appoints the petitioner as LDC in the 2nd respondent on compassionate ground, by setting aside the impugned proceedings of the 2nd respondent dated 13/10/1994 as illegal, arbitrary and violative of Articles 14 & 16 the Constitution of India.

Counsel for the Petitioner:MR.B.KRISHNA MOHAN

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

O R D E R (Per Hon'ble the Acting Chief Justice)

This writ petition has been filed in the year 1995. Petitioner sought appointment as Lower Division Clerk in the 2nd respondent unit and sought quashing of the order dated 13.10.1994.

2 . It appears that the brother of the petitioner died in service. Thereafter, he sought appointment on compassionate ground. His request was rejected by order dated 27.06.1990. Thereafter, he filed a writ petition in this court being W.P.No.12823/1994. Without challenging the order of the year 1990, he sought directions from the court that his case should be considered under G.O.Ms.No.612 General Administration (Services. A) Department dated 30.10.1991, on the ground that he had made an application in the year 1992.

Since his application had already been rejected in the year 1990 by virtue of the order dated 27.06.1990 and in the absence of any challenge to that order, we are afraid that the directions given by the learned single Judge could have not been given. Even after the directions were given, 2nd respondent again considered the case of the petitioner and was of the opinion that the G.O.Ms.No.612 was prospective and, therefore, the matters, which had already been concluded, could not be reopened under G.O.Ms.No.612. We do not find any illegality in such an approach.

3. Even otherwise, the deceased employee of the 2nd respondent died on 02.06.1990. The appointments made on compassionate ground are appointments de-hourse the rules and are being held permissible, in order to provide immediate succor to the family, whose earning member dies in harness. Since fifteen years have passed and the petitioner would be 44 years as of now, therefore, we do not think any relief can be granted in this writ petition, which is accordingly dismissed. No costs.

BILAL NAZKI, HACJ

DR.G.YETHIRAJULU,J

AVS

DATE:06.04.2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 THE PRINCIPAL SECRETARY GOVERNMENT OF AP REP BY GAD,SECRETARIAT BUILDING HYDERABAD
2 THE DRISTRICT & SESSIONS JUDGE,
ONGOLE PRAKASHAM DISTRICT

3. 2 CCs to G.P. for Home, A.P. High Court Buildings, Hyderabad (OUT).

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